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EXAMINER				
BELANI, KISHIN G				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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RSWIPLAW@us.ibm.com

Office Action Summary

Application No.

10/667,581

Applicant(s)

HAKIEL ET AL.

Examiner

KISHIN G. BELANI

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 6-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 4 and 6-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This action is in response to Applicants' amendment to the claims (in RCE) filed on 02/04/2008. **None of the claims 1, 4 and 6-12 have been further amended.**

Claims 1, 4 and 6-12 are now pending in the present application. The examiner's response to the applicants' arguments is shown in the section "Response to Arguments" near the end of this office action. **This Action is made FINAL.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wilson et al. (U.S. Patent Publication # 6,714,976 B1)** in view of **Ditmer et al. (U.S. Patent Publication # 6,473,407 B1)** and further in view of **Black et al. (U.S. Patent Publication # 7,143,153 B1)**.

Consider **claim 1**, Wilson et al. show and disclose a method of filtering one or more events associated with one or more computer environments for display in a performance monitoring system, wherein each of the one or more events is generated when a threshold associated with a first parameter is met (Fig. 14, flowchart blocks 322 and 324 that show and disclose a filtering process for collected event data by comparing the data with pre-defined rules, then continuing to process the filtered data only; column 18, lines 40-42 that disclose how the events related to business transactions are processed by the filtering process described in the flowchart; column 6, lines 27-45 that describe a second filtering process for monitoring the performance of various computer systems in a network by disclosing that users can select and specify

in the configuration plug-in modules which events to monitor by the monitoring agents; Abstract; Fig.1; column 4, lines 31-50 that show and disclose the monitoring environment with a multiplicity of computer environments (server s1 block 20 and server s2 block 22 and monitoring agents 30-40); Fig. 13 and column 17, lines 8-14 that show and disclose the corresponding set up for business transaction monitoring events; Fig. 7; column 10, lines 39-48; column 14, lines 2-7 that disclose defining the trigger events and collecting diagnostic information for performance monitoring of computer environments; Fig. 14; column 18, lines 1-8 that show and disclose the corresponding details for business transaction monitoring events), the method comprising the steps of: receiving a filter a set of the one or more computer environments (Fig. 1, EM Console block 42 that receives event triggered data from EM agents 30-40; column 6, lines 42-45 that disclose the plug-in modules for filtering and capturing the event triggered data and sending the captured data to the EM Console; Table in Fig. 11 that shows the type of data collected including system component 268 as one or more computer environments; and displaying the filtered one or more events (Fig. 1, EM Console block 42 and Monitoring Station 24; column 4, lines 20-30 and 63-67 that show and disclose monitoring and managing of a distributed application, with an application program running on console 42 that displays event-triggered monitored data at the component and at the enterprise level).

However, Wilson et al. do not explicitly disclose that in response to the receiving step, filtering the one or more events using the filter, wherein the filter is received from,

and the one or more filtered events are displayed on a single display window; and displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Ditmer et al. disclose that in response to the receiving step, filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on a single display window (column 13, lines 28-39 which disclose a method for alarm management from a single workstation, including display or print lists of active alarms and define or display customized alarm filters to specify which alarms will appear in the alarm presentation).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide, in response to the receiving step, a means for filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on, a single display window, as taught by Ditmer et al., in the method of Wilson et al., so as to provide the users with specific events based on filters defined by the users, thereby displaying focused event information in a single workstation window.

However, Wilson et al., as modified by Ditmer et al., do not specifically disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Black et al. show and disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information (Figs. 7A and 7C that show links both in the form of clickable status buttons 899a-899e (Fig. 7A) and as links 899a-899e (Fig. 7C); when one of these links is clicked, the GUI of Fig. 7B is displayed, providing additional details of the filtered event; column 37, lines 19-35 and 48-55 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information, as taught by Black et al. in the method of Wilson et al., as modified by Ditmer et al., so as to provide the network administrator additional status information for one or more filtered events, whenever the administrator wishes to further monitor an event that may be of critical importance by clicking on the link.

Consider **claim 4**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further show and disclose a method wherein for each of the filtered one or more events, the displaying step further comprises the step of displaying a first set of information associated with an event identifier (Fig. 11, Exception ID column 262; column 13, lines 64-66 that disclose an event identifier field 262);

the associated one or more computer environments (Fig. 11, Components Type field in column 266; column 14, lines 7-10 that describe the data item associated with column 266 of the table in Fig. 11);

the first parameter (Fig. 11, System Components for Data Gathering column 268; column 14, lines 16-34 that describe the data item associated with column 268 of the table in Fig. 11);

the second parameter (Fig. 11, Threshold column 264; column 13, lines 66-67 and column 14, lines 1-7 that describe the data item associated with column 264 of the table in Fig. 11); and

a second parameter identifier (Fig. 11, Data ID field of column 266; column 14, lines 7-15 that describe the data item associated with column 266 of the table in Fig. 11).

Consider **claim 6**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method wherein the second set of information comprises information associated with the configuration of the one or more computer environments (column 15, lines 13-15 which disclose that the data contained in table 260 of Fig. 11 (first set of information) is associated with the configuration information (second set of information) of the computer system being monitored).

Consider **claim 7**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method wherein the second set of information comprises information associated with the threshold (column 13, lines 64-67

and column 14, lines 1-7 which disclose that the second set of information (column 264 of Fig. 11) comprises information associated with the threshold).

Consider **claim 8**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose the claimed invention including disclosing that the first parameter represents a severity level (in Ditmer et al. reference, column 20, line 46 that discloses different levels of severity for monitoring events).

Consider **claim 9**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method comprising the steps of: receiving a second filter representing at least one second parameter (in Ditmer et al. reference, Fig. 9, column 20, lines 35-67 and column 21, lines 1-35 which disclose that a customer typically subscribes to several services; therefore, in order to limit data collection to data germane to those particular services, the user must specify which services (e.g. VNET in the SQL statement shown in column 21, lines 9-18) need to be monitored, thereby disclosing receiving a second filter representing at least one second parameter), filtering the one or more events using the second filter in response to receiving the second filter (the SQL statement shown in column 21, lines 9-18, which acts as a filter to limit the monitored events only to the services subscribed by the customer), wherein the second parameter represents a resource (in Ditmer et al. reference, the services subscribed represent monitoring corresponding resources for any events).

Consider **claim 10**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method further comprising the steps of:

receiving a second filter representing at least one second parameter (in Ditmer et al. reference, column 21, lines 52-58 which disclose that events identified in the event view (defined by the user) may be periodically forwarded based upon a customer configurable interval, thereby disclosing receiving a second filter representing at least one second parameter (period or time interval for which the generated events are to be displayed in the user view)),

filtering the one or more events using the second filter in response to receiving the second filter (in Ditmer et al. reference, column 21, lines 52-58 which further disclose that only the events generated during the specified time interval (second filter) are made available in an event queue for display to the user in order of the severity of the event), wherein the second parameter represents a time (in Ditmer et al. reference, column 21, lines 52-58 which disclose that events identified in the event view (defined by the user) may be periodically forwarded based upon a customer configurable interval, thereby disclosing that the second parameter represents a time).

Consider **claim 11**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method wherein each of the one or more computer environments comprises at least one computer system (in Wilson et al.

reference, Fig. 1, server s1 block 20 and server s2 block 22 as examples of one or more computer environments with at least one computer system; column 4, lines 20-30 that disclose various components of the invention).

Consider **claim 12**, Wilson et al. clearly disclose an apparatus for filtering one or more events associated with one or more computer environments for display in a performance monitoring system, wherein each of the one or more events is generated when a threshold associated with a first parameter is met (Fig. 14, flowchart blocks 322 and 324 that show and disclose a filtering process for collected event data by comparing the data with pre-defined rules, then continuing to process the filtered data only; column 18, lines 40-42 that disclose how the events related to business transactions are processed by the filtering process described in the flowchart; column 6, lines 27-45 that describe a second filtering process for monitoring the performance of various computer systems in a network by disclosing that users can select and specify in the configuration plug-in modules which events to monitor by the monitoring agents; Abstract; Fig.1; column 4, lines 31-50 that show and disclose a monitoring apparatus with a multiplicity of computer environments (server s1 block 20 and server s2 block 22 and monitoring agents 30-40); Fig. 13 and column 17, lines 1-8 show and disclose the corresponding set up for business transaction monitoring events; Fig. 7; column 10, lines 39-48; column 14, lines 2-7 that disclose defining the trigger events and collecting diagnostic information for performance monitoring of computer environments; Fig. 14;

column 18, lines 1-8 that show and disclose the corresponding details for business transaction monitoring events), the apparatus comprising:

means for receiving a filter representing a set of the one or more computer environments (Fig. 1, EM Console block 42 that receives event triggered data from EM agents 30-40; column 6, lines 42-45 that disclose the plug-in modules for filtering and capturing the event triggered data and sending the captured data to the EM Console; Table in Fig. 11 that shows the type of data collected including system component 268 as one or more computer environments); and

means for displaying the filtered one or more events (Fig. 1, EM Console block 42 and Monitoring Station 24; column 4, lines 20-30 and 63-67 that show and disclose the means for monitoring and managing a distributed application, with an application program running on console 42 that displays event-triggered monitored data at the component and at the enterprise level).

However, Wilson et al. do not specifically disclose means, responsive to the receiving means, for filtering the one or more events using the filter; wherein the filter is received from, and the one or more filtered events are displayed on, a single display window; and means for displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Dittmer et al. disclose means, responsive to the receiving means, for filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on, a single display

window (column 13, lines 28-39 which disclose a means for alarm management from a single workstation, including displaying or printing lists of active alarms and defining or displaying customized alarm filters to specify which alarms will appear in the alarm presentation).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide, means, responsive to the receiving means, for filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on a single display window, as taught by Ditmer et al., in the apparatus of Wilson et al., so as to provide the users with specific events based on filters defined by the users, thereby displaying focused event information in a single workstation window.

However, Wilson et al., as modified by Ditmer et al., do not specifically disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Black et al. show and disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information (Figs. 7A and 7C that show links both in the form of clickable status buttons 899a-899e (Fig. 7A) and as links 899a-899e (Fig. 7C); when one of these links is clicked, the GUI of Fig. 7B is displayed, providing additional details of the filtered event; column 37, lines 19-35 and 48-55 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information, as taught by Black et al. in the method of Wilson et al., as modified by Ditmer et al., so as to provide the network administrator additional status information for one or more filtered events, whenever the administrator wishes to further monitor an event that may be of critical importance by clicking on the link.

Response to Arguments

Applicant's arguments filed 02/04/2008 have been fully considered but they are not persuasive. The examiner's response to the arguments is presented below:

Consider **claim 1**. Applicants argue that the cited paragraph at column 6, lines 42-45 is silent as to the filter representing a computer environment. The examiner has interpreted the text of the paragraph "This allows the detection code to act as plug-in modules that the user can select for configuring which events are to be monitored" to mean that the plug-in modules correspond to options processing code for a drop-down list-box of a GUI in a windows environment. When a user selects a specific plug-in module, the action is equivalent to making a selection from a drop-down list of a list-box (same as a filter); the selection resulting in monitoring the event data from one or more event agents 30-40 (shown in Fig. 1), each of which monitors events in a specific

computer environment shown as environments 12-22 in Fig. 1; Fig. 3, Column 7, lines 32-35 show and disclose module 80 that can filter the traffic relevant to agent 50.

Furthermore, the applicants argue that the cited teachings of Ditmer et al. reference (U.S. Patent Publication # 6,473,407 B1) refers to "a single workstation" which is not comparable to the single display window, as claimed. The examiner begs to differ. A single workstation is certainly providing a single display window.

The applicants also argue that Ditmer et al. reference does not teach filtering events (which are associated with one or more computer environments) based upon a filter representing a set of the one or more environments as claimed. As explained above, this element of claim 1 is taught by Wilson et al. reference (U.S. Patent Publication # 6,714,976 B1). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Yet, the Ditmer et al. reference also discloses the filtering of events based on alarms, which are raised when certain events cross the specified thresholds. The examiner does not agree with the applicants' assertion that the type of filter taught by Ditmer et al. is different than that claimed. As disclosed in column 13, lines 21-27 of the Ditmer et al. reference, the described Event Monitor enables monitoring of voice and data circuits that correspond to computer environments. The examiner therefore asserts that the cited references do adequately disclose all the claimed elements of claim 1.

Finally the applicants' argument that the motivation to combine the cited references does not necessarily result from the proposed combination; the examiner needed the combination with Ditmer et al. only to show "a single display window" feature of claim 1. The Wilson et al. reference, although implied this feature, did not specifically mention it. So, the examiner used the Ditmer et al. reference that clearly states using a single workstation.

The examiner has responded to applicants' presented arguments, and still considers that the cited references adequately disclose all the elements of the independent method **claim 1 and corresponding apparatus claim 12, which are therefore deemed not allowable. The corresponding dependent claims 4 and 6-11 are also rejected based on their dependency on claim 1.**

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

Kishin G. Belani

K.G.B./kgb

April 22, 2008

/Kenny S Lin/

Primary Examiner, Art Unit 2152